



# DELTA STEWARDSHIP COUNCIL

COMMITTED TO ACHIEVING THE COEQUAL GOALS

VOLUME #13, DECEMBER 2011

## DELTA INDEPENDENT SCIENCE BOARD MEMBER SPOTLIGHT

### Brian Atwater

With the Delta so linked to levees and marshes, it made sense for the Delta Independent Science Board (ISB) to include an earthquake geologist with roots in the Delta's tidal wetlands.

Brian Atwater brings more than 30 years of experience in estuarine geology to the Delta ISB. He gained some of that experience in the Delta itself.

Back in the late 1970s, Atwater was doing field work from a trailer on subsided peatland of Jersey Island, six miles east of Antioch. Freighters passing "overhead," in the adjacent San Joaquin River, would rattle cups on the trailer kitchen.

He was doing doctoral studies on the Delta's geology. The work extended to the botany of the Delta's remnant freshwater tidal wetlands, and it yielded a set of U.S. Geological Survey maps, published in 1982, that remain in use today as guides to levee substrates and historical waterways.

In 1985, figuring he was leaving the estuary behind, he moved to the Pacific Northwest. But he soon put his Delta experience to unexpected use.

The Delta had taught him that marshland tules can keep their heads just above rising sea level for thousands of years. That's how the Delta's peat became thick.



**Dr. Brian Atwater,**  
member of the Delta Independent Science Board, was named to Time Magazine's list of the 100 most significant people of 2005 for his book detailing the connection between Tsunamis in Japan and earthquakes in North America.

Photo courtesy of the Delta Stewardship Council

## EIR COMMENT PERIOD EXTENDED TO FEB. 2

The Delta Stewardship Council voted 4-1 to direct staff to extend the comment period on the Draft Programmatic Environmental Impact Report (EIR) for the Fifth Staff Draft of the Delta Plan.

The vote took place at its November meeting, and additionally the Council will offer more chances for public input on the draft EIR across the state, as the members directed staff to set up more field hearings in the coming months.

The Council decided that staff should add more time to the comment period to allow more groups, organizations and members of the public a chance to let their voices be heard.

"We received 16 requests for extensions from a broad variety...those in the water world, environmentalists, the Delta community," said Council Executive Officer Joe Grindstaff. "Everybody wants more time."

The Council staff released the draft EIR in November, originally providing a 60-day comment period. This extension adds another 30 days, which means comments are due Feb. 2.

The Council also has the discretion to expand the comment period again, if it deems the move appropriate.

### Draft EIR Field Hearing Schedule

*Note: All meetings are tentatively set to start at 6 p.m. and conclude when all comments have been received*

**Wednesday, Jan. 11**  
Valencia Park/Malcolm X Library  
5148 Market St.  
San Diego, CA 92114

**Thursday, Jan. 12**  
Pasadena Public Library,  
Central Location  
Donald R. Wright Auditorium  
285 East Walnut St.  
Pasadena, CA 91101

**Tuesday, Jan. 17**  
Ceres Community Center  
2701 4th St.  
Ceres, CA 95307

**Wednesday, Jan. 18**  
Clarksburg Middle School  
52870 Netherlands Rd.  
Clarksburg, CA 95612

**Thursday, Jan. 19**  
Willows City Council Chambers  
201 North Lassen St.  
Willows, CA 95988

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## DELTA STRESSORS: WHERE TO BEGIN?

The Delta Stewardship Council continues to ask for help from experts and leading authorities to develop a ranking system and a plan of attack to confront the wide variety of stressors in the Delta and the various challenges they pose.

At its November meeting, the Council acknowledged that stressors are an extraordinary challenge for all parties involved, but the Council members have no choice but to identify the most pressing problems first, get to work on those and then eventually move on to the others. To do this, they need scientific help.

**“We can’t get away from a ranking. We can’t get away from prioritization. We just can’t afford to do everything at the same time.”**

**Council member  
Hank Nordhoff**

“There are an endless number of priorities,” said Council Chair Phil Isenberg. “Let’s accomplish these near-term things while we puzzle through the larger problems. If we don’t have a starting point, we can’t explain anything.”

“We can’t get away from a ranking. We can’t get away from prioritization,” added Council member Hank Nordhoff. “We just can’t afford to do everything at the same time.”

The Council invited four experts to its recent meeting to provide their insights on Delta stressors in support of Draft Delta Plan chapters 5 and 6, respectively titled “Restore the Delta Ecosystem” and “Improve Water Quality to Protect Human Health and the Environment.” Each panel member offered unique insights and understood the value of establishing a pecking order to tackle the stressors.

Ellen Hanak, senior policy fellow with the Public Policy Institute of California, told Council members about the Institute’s new research effort to develop science-based Delta policy relevant information.

“One thing we’re aiming to do is use expert consultation to try to get to some scientific consensus on some quick-and-dirty priorities,” Hanak said.

But she also added that this may be a difficult process.

“Science isn’t done with the objective of getting to quick policy prescriptions,” she said.

Isenberg singled out the effective work of the Institute, which includes a wide-ranging reform agenda detailed in *Managing California’s Water: From Conflict to Reconciliation*, an in-depth look at the state’s water management challenges. One of the key features of the new PPIC report is its preliminary look at a “fee-for-stressor” approach, which opens the discussion about how to pay for solving the various stressor problems and will be a key part of any plan.

“It’s a broad responsibility [applying stressor fees],” Hanak said. “Our sense is a broad-brushed approach will be a useful starting point.”

The panel of experts covered the broad spectrum of ecosystem stressors including water quality impairment, diversions and altered flow, insufficient habitat quality and quantity and non-native species effects including predation and food web impacts.

Without offering rankings, the group did spell out some particularly pressing items from methyl mercury in fish to overly deep channels to climate change that all work together to put the Delta in distress and make the solutions difficult to find.

“It’s a chicken-and-egg situation,” said Chris Foe, staff environmental scientist for the Central Valley Regional Water Quality Control Board. “How much each of these stressors contributes to the collapse of the system is unclear.”

The panel also encouraged the Council to look to the future and manage what is possible in the present. “I would put my resources on what invasive species can we expect, what will the Delta look like and what fish will it support,” said Bruce Herbold, fisheries biologist with U.S. Environmental Protection Agency Region 9.

“We need to be prospective,” said Carl Wilcox, regional manager, Bay-Delta Region, California Department of Fish and Game. “We need to look into the future.”

With all the complexities and the interconnected issues, the Council recognizes it will be dependent on staff and a variety of experts to keep it all in order.

“You’ve backed up the truck to this Council and unloaded...a load of stuff,” said Council member Randy Fiorini. “We need to be able to figure out a way to process it all and figure out a way it makes sense as it applies to chapters 5 and 6 [of the Delta Plan].”

Isenberg added, “One thing I know, we need a clear, focused section dealing with stressors, however defined.”

To view the Fifth Staff Draft of the Delta Plan, click [HERE](#).

## DEPT. OF FISH AND GAME PROPOSES MORE LENIENT STRIPED BASS RULES

### Daily Limits to increase, minimum size to decrease to reduce population

More and smaller striped bass can be caught by Delta fishermen if a proposal from the Department of Fish and Game (DFG) is adopted. The changes are aimed at addressing the impact striped bass have on threatened fish species such as salmon and smelt.

Carl Wilcox, the Bay Delta manager for the (DFG), explained the proposed changes to the Delta Stewardship Council during its November meeting.

“By enacting these regulations we would reduce the predatory pressure on listed species, whether they are salmon or smelt,” Wilcox explained to the Council, adding that the Commission will decide in February if the new regulations will be put in place.

The Council asked for the presentation so it could craft a formal comment letter that will be submitted to the Fish and Game Commission, the body that will ultimately decide if the new regulations are set in stone. The Council will vote on a draft of a letter to the DFG at its December meeting.

DFG’s draft proposal, released on Nov. 4, recommends the following changes to striped bass sport fishing regulations that would allow additional harvest, including:

- Raising the daily bag limit for striped bass from two to six fish.
- Raising the possession limit for striped bass from two to 12 fish.
- Lowering the minimum size for striped bass from 18 to 12 inches.
- Establishing a "hot spot" for striped-bass fishing at Clifton Court Forebay and specified adjacent waterways at which the daily bag limit would be 20 fish, the possession limit would be 40 fish, and there will be no size limit. Clifton Court Forebay is the reservoir associated with the Harvey O. Banks Pumping Plant in the south Delta, part of the State Water Project.

Council Chair Phil Isenberg understood the intent of the proposed changes, but wondered what kind of success measures DFG will put in place if the changes are approved.

“Does the Department of Fish and Game have a goal after ‘x’ amount of years to determine success?” Isenberg asked. “Can we quantify it and put a date on it so everyone can say with some certainty, ‘Well it worked or it didn’t work?’”

Wilcox said there isn’t a clearly defined measure of success yet, but DFG would evaluate the impact of the new regulations as they are put into effect, and there are multiple tools to evaluate the effect.

“It would take a minimum of 5-10 years before you could do a real analysis of what is going on,” Wilcox added.

Council member Hank Nordhoff echoed Isenberg’s success measure question. “I agree with Phil. Make it explicit. Say what your goals are and make it quantifiable. And think of the downside as well,” he said.

Council Vice Chair Randy Fiorini urged the Council to recommend a stressor fee in its comment letter to the Fish and Game Commission. Fiorini explained it could come in the form of a bass tag to pay for the adaptive management program.

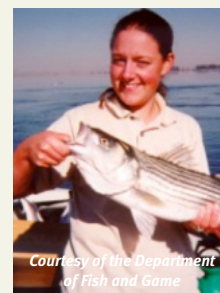
Executive Officer Joe Grindstaff explained to the Council how the draft comment will be framed. “The letter will address two things: first, that the Commission should take up this issue and consider the regulation; second that the Commission should make the regulation rely on an adaptive management program that has quantifiable parameters,” Grindstaff said.

Isenberg ended the discussion with some sympathy for the decision at hand for the Fish and Game Commission and called on science to take priority.

“We are talking about an immensely complicated, inter-connected system that’s hard to measure,” Isenberg said. “But because this is a tool in a larger political debate, if this is to be science then I want it to be science, not just politics, on all sides of the issue.”

The proposal and management plan will be presented to the Fish and Game Commission for consideration at its Dec. 14-15, 2011 meeting in San Diego, CA.

The draft DFG striped bass regulation changes are available [HERE](#).



*A proposal from the Department of Fish and Game would increase the number of striped bass (pictured above) a fisherman could catch each among other things. The changes are aimed at addressing the impact striped bass have on threatened fish species such as salmon and smelt.*

## COUNCIL APPROVES DELTA SCIENCE FELLOWS PROGRAM FUNDING

At its November meeting, the Delta Stewardship Council voted 5-0 to continue funding the Delta Science Fellows Program.

The program, which began in 2003, has funded 51 collaborative data analysis projects in an attempt to advance the scientific understanding of the complexities of the Bay-Delta ecosystem. Research that has emerged from the program is often used to help inform policy and future research and commonly published in peer-reviewed journals.

“[The Science Program] considers the Fellows Program to be one of our big successes,” said Deputy Executive Officer for Science Dr. Lauren Hastings. “We get a lot of bang for the buck [from the Fellows] because we are

funding excellent students at the start of their careers that work very hard and give us really good products.”

The Delta Science Fellows Program (a continuation of the CALFED Science Fellows Program) is unique in that it pairs graduate students and postdoctoral researchers with Bay-Delta agency scientists and senior research mentors.



*Courtesy of the Delta Stewardship Council*

“This is something we have planned and budgeted for,” Council Executive Officer Joe Grindstaff said.

The funding for the Fellows Program will come from monies set aside from California Proposition 50 in 2002.

To learn more about the Delta Science Fellows Program, click [HERE](#).

## COUNCIL MEETS WITH WATER BLOGGERS

In an effort to reach new audiences and the public about the Delta Plan, members of the Council and staff talked to online writers and bloggers in November.

In the past, press calls and conferences have been reserved for members of traditional media (newspapers, TV, and radio). Council Chair Phil Isenberg noted, however, that as newsrooms reduce their staffs, online writers are jumping to fill the void.

“After traveling the state and meeting with newspapers, it didn’t take long to discover there are fewer editorial board members and fewer water reporters,” Isenberg said. “Much of the coverage, much of the news and commentary, is shifting rapidly to blogs and electronic reports.”

At the Council’s office in Sacramento, Isenberg, along with Council Vice-Chair Randy Fiorini and members of Council staff, talked to bloggers from across the state, in-person and via conference call.

Stressing the Council’s commitment to creating a plan that meets the coequal goals of water supply reliability and ecosystem restoration in a way that protects and enhances the Delta as an evolving place, Isenberg and Fiorini fielded questions from bloggers for nearly 90

minutes regarding how the Delta Plan addresses water supply reliability, a restored Delta ecosystem, agriculture, the public trust, water supply, water quality, the environment and more.

“We want to begin a dialogue, an understanding with those of you who are in the business of writing and communicating about water,” Fiorini said to the group. “There’s going to be a lot happening in the next four to five months in terms of the development of this plan, and it’s critical that the general public and those that follow water understand what’s going on. We think a great source of in-depth and timely information lies with [bloggers].”

Fiorini explained that this meeting would provide an opportunity for bloggers to get information directly from the Council and ask questions to better understand what is an incredibly complex topic.

Isenberg’s message to the group was simple. “We want you to know that we’re reading your blogs,” he said.

In addition to direct contact with the public and stakeholders, the Council plans to continue reaching out to new and traditional media in order to communicate openly and honestly about the draft Delta Plan and to generate additional dialogue.

To keep informed of Council events and activities, join our electronic email service by sending your email address to [ERIC.ALVAREZ@DELTACOUNCIL.CA.GOV](mailto:ERIC.ALVAREZ@DELTACOUNCIL.CA.GOV).



## **WATERMASTER SAYS NEARLY ALL DELTA DIVERSIONS WILL BE MONITORED IN 2012**

Water diverters throughout the Delta will be required to monitor the amount of water they use and redirect on a monthly basis, starting Jan. 1, 2012, according to the State Water Resources Control Board's Delta Watermaster.

At its November meeting, Watermaster Craig Wilson told the Delta Stewardship Council that historically, diverters have not been required to measure and report, but this year they will, or fines will be assessed.

Wilson said that his staff has already been in contact with diverters for the past year through public workshops and meetings and are making impressive progress.

According to his report, there have been five times as many Statements of Water Diversion and Use filed in the Delta in the last year than in the previous 44 years combined.

"We've placed a heavy emphasis on outreach and it's really paid off," Wilson said. "We've had a higher compliance rate in the Delta than in most areas of the state."

He also stressed that as long as diverters are trying to comply, fines will not be levied.

"If [diverters] provide monthly measures of diversions and make a good effort, [they'll] be in good shape," he said.

Wilson, whose position of Watermaster was created by the same legislation that created the Council, went on to say that if Delta diverters can demonstrate that monitoring devices are not "locally cost effective," alternative measuring can be performed.

Council member Randy Fiorini was impressed with the progress the Watermaster and his staff have made.

"As you recall, I was critical of your previous report, so it's only fair that I compliment you on this one," Fiorini said. "I thought it was really well done – very comprehensive, easy to read and understand."

The Watermaster is required by law to give regular updates to the Council on water rights administration, water quality issues and conveyance operations. Wilson will give his next update during the spring of 2012.

To view the Watermaster's PowerPoint presentation to the Council, click [HERE](#).

To view the Watermaster's full report on water diversions, click [HERE](#).



*Courtesy of the Delta Stewardship Council*

***Delta Watermaster Craig Wilson told the Council that water diverters throughout the Delta will be required to monitor the amount of water they use and redirect on a monthly basis, starting in 2012.***

*please visit our website*  
***deltacouncil.ca.gov***

## COUNCIL HIRES CHIEF DEPUTY EXECUTIVE OFFICER

### Veteran Planner Joins Staff

The Delta Stewardship Council announced the hiring of Dan Ray, long-time planner and public servant, to the post of chief deputy executive officer.

“Dan has demonstrated his acumen for managing large and complex organizations and projects throughout more than 35 years of experience in water management and natural resources,” Delta Stewardship Council Executive Officer Joe Grindstaff said.

As the chief of the Planning Division for California State Parks, Ray oversaw the preparation of plans for 22 state parks and preserves, including a 20-year, \$270-million program to improve outdoor recreation in the Delta and Central Valley. For the past 10 years he’s worked in various roles for the State of California as an environmental program manager and planner and is well-acquainted with the challenges of the Delta.



**Dan Ray**, Delta Stewardship  
Council Chief Deputy Executive  
Officer

“I know the issues that the Council is dealing with – I’ve worked with them both firsthand and as a planner – I know the Delta, its people and its resources and I’m committed to helping people reach agreements about preparing for the future,” Ray said.

Previously, Ray worked for the Department of Water Resources (DWR) where he planned and helped implement North Delta restoration actions and supervised environmental compliance in its Flood Maintenance Office – experience that will be useful as the Council writes a legally enforceable plan.

“I can’t think of a more important thing to do than to help people reach agreement about how to better manage the Delta – both in terms of creating a reliable water supply and managing and protecting the ecosystem,” he said.

Before his work with the State, Ray served as the environmental director for the McKnight Foundation where he originated grant-making strategies aimed at restoring the environment of the 10-state Mississippi River corridor, encouraging renewable power development and energy conservation, and promoting smarter growth for the \$1.9 billion philanthropic foundation.

Ray, a member of the American Institute of Certified Planners (AICP), earned his B.S. in Zoology from the University of Wyoming and his M.S. in Ecology from the University of California, Davis.

## SNAPSHOTS OF THE DELTA



*Photos Courtesy of the Department of Water Resources*





*Draft EIR, Continued from Page 1*

Courtesy of the Delta Stewardship Council

***The Draft Delta Plan Program Environmental Impact Report (EIR) is an environmental review of the fifth staff draft Delta Plan and five alternative plans aimed at meeting the coequal goals of water supply reliability and ecosystem restoration. To view the most recent draft, click [HERE](#).***

This option may be most appealing to the lone “no” vote, Council member Don Nottoli, who wasn’t against adding more time, he just wanted the Council staff to add even more days.

“The magnitude [of this process in creating the EIR for the Delta Plan] demands more time,” Nottoli said. “This plan is for well into the future. It is historic. I think 60 [more] days are optimal.”

By setting the original time frame for 60 days, the Council staff already exceeded what was required by law. The California Environmental Quality Act (CEQA) only calls for a 45-day comment period for this type of draft EIR. Now this time is doubled.

“I think it’s important to reiterate that we’ve gone over and beyond what the law requires,” said Chief Counsel Chris Stevens, who added that the Council will hold hearings to take oral testimony during the EIR comment process, which also aren’t required by law.

The draft EIR analyzes the environmental impacts of the suite of 12 regulatory policies and 61 recommendations contained in the Fifth Staff Draft Plan. CEQA also requires a lead agency to use its independent judgment to formulate and evaluate a reasonable range of alternatives to the project being assessed. Consequently, the draft EIR also analyzes five alternatives, including: (1) a no project alternative; (2) two alternatives with increased emphasis on water supply reliability; (3) one alternative with increased emphasis on Delta ecosystem restoration; and (4) one alternative with increased emphasis on protection and enhancement of Delta communities and culture.

The five alternatives studied were based on (but not taken verbatim from) comments, input, and in some cases alternative plans received from statewide water users, environmentalists, Delta interests and communities.

The draft EIR concludes that the draft Delta Plan, comprised of the 12 proposed regulations and 61

recommendations, is environmentally superior to the alternatives because it advocates a hybrid regulatory and collaborative approach for achieving the coequal goals of water supply reliability and restoring the Delta ecosystem.

Eventually, this version of the EIR, which is a draft programmatic document, will become a final EIR that needs to be certified by the Council. The Council will use the final EIR to complete its work.

“[The final EIR] will inform your decision in adopting a Delta Plan,” Stevens told the Council.

To view the draft EIR, click [HERE](#).

Comments are currently being accepted orally (at hearing dates specified on the council’s website), in writing and online.

*Member Spotlight, Continued from Page 1*

Pushing cores along the Washington coast, he found something else: wetland peat that alternates with tidal-flat mud. Recurring earthquakes had lowered the Washington wetlands by five feet or so. That finding launched a series of discoveries later recounted in *The Orphan Tsunami of 1700: Japanese Clues to a Parent Earthquake in North America*, a scientific detective story about earthquake and tsunami hazards in the Pacific Northwest.

Branching farther from the Delta, Atwater has now studied earthquake and tsunami geology on the shores of Chile, Alaska, the Caribbean, and the Indian Ocean. He has advised earthquake and tsunami scientists in Thailand, India, Sri Lanka and Indonesia, and spent seven months in Indonesia as a Fulbright Scholar. Products of the overseas work include international public-safety booklets based on eyewitness accounts.

Atwater has been a U.S. Geological Survey scientist since the middle 1970s. He is a member of the National Academy of Sciences, a fellow of the American Geophysical Union, and an affiliate professor at the University of Washington. On his service with the ISB, he says that he is grateful for the chance to return to his Delta roots.

To view Brian Atwater’s Delta ISB bio, click [HERE](#).

In April, the Science Program featured his work in the article “Pacific Northwest has History of Giant Quakes like Japan’s Recent 9.0.” To view that article, click [HERE](#).